IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4523 OF 2005

Gundu Babu Shetty : Petitioner
(Orig. Respondent)

V/s.

The Superintendent, Cama and
Albless Hospital & Anr. : Respondents
(No.1 Orig. Applicant)

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Mr.Anilkumar Patil for the petitioner.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

July 15, 2005.

P.C.:

1. The petitioner has already been evicted in pursuance of the order passed under the Public Premises Eviction Act. He was running a canteen. There is no substance in the petitioner's apprehension that he will not be entitled to be considered afresh, in case the space is to be re-allotted, in accordance with law. In normal course, the petitioner would be entitled to be considered for allotment, in accordance with law, depending on the mode adopted by the respondents. There is no error of law

apparent on the face of the impugned order which upheld the order of the Estate Officer. The petitioner has been held to be in unauthorised occupation of the Government premises which were originally leased to one Mrs.Sarah Abdul Karim Sheikh, who appears to have inducted the petitioner.

2. There is no merit in the petition which is hereby dismissed.

S.A. BOBDE, J.